

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

EUGENIA SONG,

Plaintiff,

v.

JOHN Q. LANDERS, JR., DAVID  
DOWLING, and ROBERT HENKEL,

Defendants.

Case No. 3:23-cv-00372-YY

ORDER

**Adrienne Nelson, District Judge**

United States Magistrate Judge Youlee Yim You issued her Findings and Recommendations in this case on May 2, 2023. Judge You recommended that this Court dismiss this case without prejudice because after multiple attempts to cure the complaint's deficiencies, plaintiff has failed to allege a valid claim for relief and has failed to establish subject matter jurisdiction, personal jurisdiction, and venue. Plaintiff filed objections.

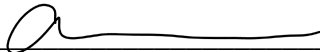
A district court judge may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). If any party files objections to a magistrate judge's proposed findings and recommendations, "the court shall make a de novo determination of those portions of the report." *Id.* If no objections are filed, then no standard of review applies. However, further review by the district court *sua sponte* is not prohibited. *Thomas v. Arn*, 474 U.S. 140, 154 (1985). The Advisory Committee notes to Federal Rule of Civil Procedure 72(b) recommend that unobjected to proposed findings and recommendations be reviewed for "clear error on the face of the record." Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment.

Because plaintiff has made objections, this Court reviews those portions of Judge You's Findings and Recommendation under a de novo standard. As for venue, plaintiff provides statements

regarding the location of two corporations and a health organization. Because the defendants are individuals, these objections do not undermine Judge You's findings that this Court is not the proper venue for this claim. As for plaintiff's RICO claim, plaintiff requests additional time due to a pending Freedom of Information Act request pertaining to that claim. This request does not address the pleading deficiencies outlined in Judge You's prior orders or Judge You's Findings and Recommendations. Therefore, upon review, I ADOPT Judge You's Findings and Recommendations, ECF [20] as my own opinion. Because plaintiff has failed to allege a valid claim for relief and has failed to establish subject matter jurisdiction, personal jurisdiction, and venue, this case is DISMISSED without prejudice.

IT IS SO ORDERED.

DATED this 12th day of July, 2023.

  
\_\_\_\_\_  
Adrienne Nelson  
United States District Judge